

The Standard.

LEGISLATURE OF NORTH CAROLINA.

TUESDAY, Nov. 30, 1858.

SENATE.

The Speaker called the Senate to order shortly after 11 o'clock—prayer by Rev. Mr. Skinner.

REPORTS OF STANDING COMMITTEES. Mr. Humphrey, from the committee on corporations, reported favorably on a bill to incorporate the Raleigh Gas-light Company, reported back a substitute for that bill, and recommended its passage.

Mr. Edey, from the committee on internal improvements, reported favorably on the bill to incorporate the Nantahala Turnpike Company.

RESOLUTIONS. Mr. Steele offered a resolution instructing the committee on internal improvements to enquire into the expediency of tendering to the railroad companies so much of the State as they might desire to keep in the management. Concurred in.

Mr. Steele called up the Governor's message, with the accompanying documents, relative to a national monument in Independence square, Philadelphia. Mr. S. said that amongst the minutes of a meeting held in Philadelphia, which he considered unnecessary to repeat.

Mr. Worth asked what was proposed to be printed.

Mr. Steele moved that all but the document he had referred to be printed. Concurred in.

The recommendation of the message relative to a joint select committee was then concurred in, and the House informed thereof by message.

NEW BILLS.

Mr. Thomas introduced a bill to provide for the establishment of the system of free banking. Referred to the committee on banks and currency.

Mr. Walpole, a bill to regulate the magistrates to keep record of their official acts, and providing for their payment by fee. Referred to the committee on the judiciary, and ordered to be printed.

Mr. Gilmore, a bill assenting to the purchase of a site for a national foundry, &c., by the U. S. on Deep river, if required. Ordered to be printed and referred to the committee on the judiciary.

Mr. Steele, to amend the charter of the Wilmington and Rutherford Railroad Company. Referred to the committee on internal improvements and ordered to be printed.

Mr. Ashe, a bill accompanied by a memorial, to amend the charter of the Bank of Cape Fear. Referred to the committee on banks and currency, and ordered to be printed.

Mr. Ramsey, a bill for the better securing the election of Sheriff. Referred to the committee on the judiciary.

Mr. Leach, a bill to enable inspectors of elections to receive money from privileged voters on election day, and pay the same over to the sheriff. Referred to committee on the judiciary and ordered to be printed.

MISCELLANEOUS BUSINESS.

Mr. Edey called up his bill for the election of tax collectors, and moved that it be printed and re-committed. Concurred in.

Mr. Carmichael, from the committee on the judiciary, to whom had been referred a bill relative to the Cherokee lands and Cherokee Indians, reported the same back to the Senate with amendments, and recommended its passage.

Mr. Edey moved to enlarge the committee on railroads, proposed by him yesterday, to five instead of three each. Concurred in and the House informed thereof.

Mr. McKoy introduced a resolution authorizing the Governor to furnish military schools with arms on the same conditions as they are now furnished to military companies. Referred to the committee on military affairs.

EXCERPTS FROM BILLS, &c.—FIRST READING.

The following engrossed bills, &c., from the House, were read first time and referred as noted:

A bill to incorporate the Arendell Hotel Company. Corporations.

A bill for the protection of wild fowl in the waters of Currituck. Judiciary.

A bill concerning the filling of timber in the rivers of Cherokee county. Judiciary.

A bill to amend an act entitled an act to incorporate the Tuckasee and Keowee Turnpike Company. Internal Improvements.

A bill to incorporate the White Oak River Navigation Company. Corporations.

BILLS ON SECOND READING.

The bill providing for the elections of Clerks and Masters by the people was now put upon its second reading.

Mr. Lankford had introduced the bill at the request of many persons in his county. He was aware that in many counties the office was a poor one; but in many others it was more lucrative than Superior or County Clerkships. He thought the office should be in the hands of the people. He meant no disrespect to the judiciary. But the office was one which exercised large powers over the people, and therefore ought to be responsible to them. They were, as well capable of judiciously filling that office, as they were the other court offices he had alluded to.

Mr. Donnell said the office was quite a different kind from those of County and Superior Court clerks. The Courts exercised control, not the Clerk and Master, who were entirely bound by orders of the Court. The Clerk and Master had heavy monied interests to manage, and it would be dangerous to throw the election into the hands of the people and cause such frequent changes. He hoped the bill would not pass.

The bill was rejected.

The bill to amend an act entitled an act to improve the road from Reddick's river to the Tennessee line was now taken up.

Mr. Carmichael explained that the object of the bill was merely to extend the term of the commissioners from 6 to 8 years.

The bill passed.

Next the bill to incorporate the Tuckasee and Keowee Turnpike Company.

Mr. Thomas explained the provisions of the bill.

Mr. Edey had heard something about the "State's subscription" in the bill.

Mr. Thomas said the Senator from Henderson was a young member and perhaps did not understand these things. He then explained that by former acts the refuse State lands in the several counties west were given for the purpose of building these turnpikes, and that the "State's subscription" spoken of had reference to those lands.

Mr. Edey was a young member, and confessed he did not know much of the matters alluded to by the Senator from Jackson; at the same time he did not believe there was a Senator on the floor who did understand them, except the Senator from Jackson, and even he frequently got mixed in his own bills. (Laughter.) The explanation was quite satisfactory, however.

Mr. Thomas. I thought the gentleman would not object when he understood the matter. (Continued laughter.)

The bill passed.

The bill to authorize county courts to establish or abolish jury trials was next taken up.

Mr. Thomas was sorry the committee had reported against the bill. Its object was to stop the practice of applying to the legislature from different counties every session to make the changes. A great deal of the time of the General Assembly was wasted in this matter. Changes made at one session were frequently altered back the next. The remedy proposed had been applied to other matters with entire success—in the case of county subscriptions to public works, in which the question is settled by each county by a vote; in the case of special terms of our superior courts, in which the Judge is thought to be best aware when an extra week is needed. He thought the county courts would manage the subject of the present bill better for themselves. However, to give time for consideration and to see into the practices of other States, he moved to lay the bill on the table for the present. Agreed to.

A bill to amend an act entitled an act to incorporate the Keowee Turnpike Company, also passed the second reading.

FARO BANKS.

A message received from the House announcing the passage of the bill relative to faro banks, amended by striking out "passage" and inserting "notification" in the last section, and asking the Senate's concurrence. Concurred in. Also, concurring in the proposition to increase the committee on railroads.

BILLS, &c., ON THEIR THIRD READING.

The bill providing for the payment of justices of the peace for taking tax lists passed, and was ordered to be engrossed.

Also the resolution concerning the distribution of the Revised Code.

SUPERINTENDENT OF COMMON SCHOOLS.

Mr. Cunningham moved that a message be sent to the House proposing to go forthwith into the election of Superintendent of Common Schools.—Agreed to.

THIRD READING CONTINUED.

The bill to amend the 15th sec. 119th chap. Rev. Code, relative to witnesses in cases of probate of wills passed and was ordered to be engrossed.

The bill to promote and encourage the planting of oysters and clams was now taken up. Mr. Ward offered an amendment substituting "one acre" instead of "five acres."

Mr. Ward hoped the Senate would now allow him to exempt the county of Carteret from the operation of the bill, as it gave large capitalists a great advantage over small ones.

It was suggested that "two acres" would answer as a substitute for "five acres."

Mr. Ward declined the suggestion, and offered an amendment to that effect. Adopted.

The bill as amended was then adopted, and ordered to be engrossed.

Mr. Gorrell moved that the daily sessions of the Senate shall commence at 10 o'clock, a. m., till otherwise ordered. Concurred in.

SUGGESTION CONCERNING.

Mr. Houston offered a resolution instructing the committee on the judiciary to inquire into the expediency of abolishing the term of the Supreme Court held at Morganton.

Mr. Edey moved to amend by adding "and at Raleigh." (Laughter.)

Mr. Houston explained that it was merely a resolution of enquiry. He understood some of the Supreme Court judges were in favor of discontinuance of the Court, as were also many of the western members of the bar.

Mr. Thomas came from somewhere west, and knew of no such wish being entertained. He knew there was a desire there to return to the old system of courts.

Mr. Edey insisted on his amendment.

Mr. Houston would accept the Senator's amendment.

The resolution, as amended, was then adopted.

SUPERINTENDENT OF COMMON SCHOOLS.

Received a message from the House agreeing to the proposition to go forthwith into the election of Superintendent of Common Schools, and informing the Senate that Calvin H. Wiley was in nomination.

Mr. Houston moved to add R. P. Waring to the nomination, and that the House be informed thereof. Concurred in, and the Senate voted as follows:

For Mr. Wiley—Messrs. Basnett, Bledsoe, Brown, Buchanan, Cherry, Cowper, Cunningham, Davis, Dillard, Dismont, Douthitt, Flanner, Gorrell, Guyther, Humphrey, Lane, Lankford, Martin, McDonald, McDowell, McKoy, Miller, Mills, Pritchard, Pool, Ramsay, Reinhardt, Speight, Steele, Straughn, Taylor, Thomas, Turner, Walpole, Ward, Whitaker, Williams and Worth—39.

For Mr. Waring—Messrs. Ashe, Messrs. Ashe, Davidson and Houston—4.

Mr. Battle voted for J. W. Cunningham.

Mr. Edey for W. H. Thomas.

Mr. Leach for Moses A. Bledsoe.

On motion of Mr. Miller the Senate adjourned.

HOUSE OF COMMONS.

After prayer by the Rev. Mr. Pell, the Speaker called the House to order.

REPORTS FROM COMMITTEES.

Mr. Kerr from the committee on the judiciary reported unfavorably on several bills, the most important of which are:

The bill to prevent horse stealing, to make railroads and steamboat lines, highways, to elect clerks and masters in equity by the people, to pay taxes jurors, to authorize solicitors to administer oaths in certain cases, and several others.

Mr. Bridges from same committee reported the bill prohibiting betting on elections with a recommendation that it do pass, and a similar recommendation in favor of the bill concerning Rowan County Courts.

Mr. Outlaw from same committee reported the bill to amend an act to amend the General Assembly, recommending that it do pass, and the bill to alter the mode of compensating the members of the General Assembly, recommending that it do not pass, and a similar recommendation to the bill for establishing a new county by the name of Mitchell.

Reports were also received from the committees on propositions and grievances, and on internal improvements, which will be noticed as they come up on their second reading.

RESOLUTIONS.

Mr. Badham, no standing rule of this House shall be suspended, and no standing rule be altered or rescinded except on one day's notice.

The resolution lies over for one day.

Mr. Simpson, that the committee on finance enquire into the expediency of repealing the law taxing mortgages and liens.

Mr. Sparrow, in favor of Joseph Potts, of Washington, N. C.

Mr. Hill, of Halifax, a series of resolutions on the currency. [They advocate further restrictions upon banking institutions, provide means to make them responsible to the note holders, require publication of their liabilities, and heavy fines for the prohibition of notes under the value of five dollars, to be taken as basis for banking operations except coin or money, and oppose all connection of the State with banking schemes except for a surplus or revenue or her school fund, and then only to the extent of one-third of the capital stock.]

Referred to the committee, and ordered to be printed.

Mr. Woodin, a resolution, in favor of certain entries of Cherokee lands.

BILLS READ FIRST TIME AND REFERRED.

Mr. Jones of Craven, concerning the powers and duties of Registers.

Mr. Kerr, for the establishment of the eighth Judicial District.

Mr. Benbury, to create a Military and Scientific Academy.

Mr. Waters, to restore jury trials to the County Courts of Cleveland.

Mr. Dorch, to increase the fees of Constables.

Mr. Leffers, to allow Sheriffs commission on Justices' Executions.

Mr. Hutchins, to grant the consent of the State to the purchase of a lot in Raleigh for a United States Post Office.

On motion of Mr. Hutchins, the rules were suspended and the bill passed its second and third readings and was sent to the Senate. [The bill gives permission to purchase more than two acres of ground in the City of Raleigh, for the erection of buildings thereon.]

The resolution concerning printed documents, which authorized the chief clerk of the House to distribute documents to one newspaper in each town or county, was rejected on second reading.

BILLS ON SECOND READING.

The bill to amend the charter of the Little River Turnpike Company passed its second reading.

The bill to protect the helpless against money shavers being read, was, on motion of Mr. Kerr, sent to the Committee on the Judiciary.

The bill to alter the mode of compensating the members of the General Assembly being read.

Mr. Simpson called for the yeas and nays; it was rejected—yeas 8, nays 103.

The bill to prohibit betting on elections passed its second reading. [Persons convicted can be fined at the discretion of the Court.]

MESSAGES FROM THE SENATE.

A message proposing to enlarge the Committee on Railroads. Concurred in.

A message proposing to form a joint select committee upon the fishing interests of Albemarle Sound, &c. Concurred in.

FARO BANKS.

The engrossed Senate bill to provide evidence against Faro-table keepers and others, was read the first time.

Mr. Seales moved the bill be referred to the Judiciary Committee. Rejected.

On motion of Mr. McKoy the rules were suspended, and the bill read the second time.

The bill, moved, to strike out the last clause of the bill, which, in its present form, would bring the enactments of the bill in force from the commencement of the session.

Mr. Outlaw moved an amendment, which was afterwards rescinded.

Mr. D. C. Hall was opposed to the bill in its present form, but not its principle. He wished to have fair notice given to those interested.

After some observations from Messrs. Morehead and Smith.

Mr. Outlaw offered an amendment, that it should be in force from and after its ratification. Thus amended, it passed its third reading.

MECHANICS' LIENS BEING READ.

A bill to provide for a Mechanic's lien being read, Mr. D. F. Caldwell hoped the bill would pass unanimously; it was a whig measure, and though now taken up by the democrats he would cheerfully support it.

Mr. Dorch, as the introducer of the bill stated it was a law much wanted to protect the mechanic. It secured him a lien on the tract of land upon which his labor had been expended, until his claim was paid. No harm could come to any person from its provisions; and illustrated the wrong done mechanics by the preference given to debts due on bonds, notes, &c. He could not conceive how any man could object to it.

Mr. Dorch said it was an ungracious offer to oppose the bill, but as a member of the judiciary committee he wished to state the reasons upon which he recommended it should not pass. He was opposed to all class legislation and all discrimination in favor of one class and not in favor of another. This bill makes an invidious distinction and gives a carpenter an advantage over other mechanics, which was unequalled. Mechanics are an intelligent class, and well able to take care of themselves, and he was for letting them do so. If this lien was given to a carpenter, why not to masons, silver-smiths, painters, &c. A lien law being considered odious legislation by the committee, they reported accordingly.

Mr. B. F. Caldwell was opposed to class legislation, and said any man who had his hand out for allowing mechanics to be oppressed. Many mechanics could hold on to the property until it was paid for, but in this case it could not be done, and after the house was built, a deed of trust could deprive him of all for the benefit of other creditors. Mr. Caldwell warmly advocated the bill.

Mr. Dorch said it was an old whig measure was no disadvantage. The member from Caswell (Mr. Kerr) was mistaken in considering the bill as class legislation. The money lender is well protected and why not mechanics? Mr. D. at some length argued against the objections to the bill, and stated he knew several persons ruined by transactions which this bill would effectually prevent.

Mr. Dorch said he was in favor of honest debts being paid; but, like the member from Caswell, he was opposed to class legislation. This was for carpenters only; but why not for others? There were sawyers, painters, plasterers, &c., who, having done some work, by this bill the carpenter would get it all, and the others lose all. He considered it unnecessary legislation.

Mr. Jones, of Craven, replied to the last speaker, and complained it was not the proper way to attack the bill. Let those opposed introduce amendments. Such a law was not unknown to North-Carolina law. There was provision in the revised code to give preference to other mechanics. He said it was the will of the people, and he would not argue the evils of the present system. He thought every species of property should be embraced, and that the whole burden should not fall upon real estate and polls. The taxes should fall upon property generally, not solely upon the owners of land and slaves. He proceeded to cite examples of its inequality—\$1000 invested in land paying \$10 in taxes, while \$1000 invested in negroes was charged but 15 cents. This he considered unequal, unfair, unjust. And he called upon the Legislature to apply the remedy, as they had the power. Mr. B. also drew attention to the money invested in bank stock, railroads, &c., and compared the burdens on it, and that invested in land, and asked why it was not heard no reason given for it before the committee, nor as to this floor.

The only objection that seemed to be urged was a distrust of county courts; and he replied with indignation the imputation so far as the magistrates of Wake were concerned. Mr. B. continued at considerable length, and insisted that all property should be made to bear its equal share in the expenses of the law.

Mr. Steele was a member of the finance committee, and he supposed from the looks of the Senator from Wake (Mr. Bledsoe) he had to respond to the gentleman's challenge for reasons, otherwise he (Mr. S.) would not have taken any part in the debate. Mr. S. thought he could have given the Senator from Wake such reasons, when on committee, as would have been quite satisfactory to him (Mr. S.) if not to that Senator. After alluding to magistrates, Mr. S. said that one species of property would not bear as much taxation as others, and ought not. He agreed with the gentleman that for the common protection of property, all property should be made to bear an equal share of the burden—as a general rule. But Wake was a necessary exception, and which had always been admitted in the case of our federal tariff; and Mr. S. proceeded to illustrate this. Mr. Steele alluded to the fact of the Legislature limiting the profits on certain property; and he contended that it would be unfair to burden those species of property with such a heavy tax, when other unrestricted property. He remarked upon the effect of Mr. Bledsoe's policy, which he regarded as calculated to drive money out of the State—the policy had already been to drive millions off. Add additional burdens, said he, and you will get no revenue at all from these moneyed interests, as you will drive them out of the State. He contended that land and polls did not put power into the hands of taxation—he instanced money at interest. He thought special protection should be extended over those who were weak, numerically, to protect themselves. There was a disposition to impose unequal burdens on this class. He believed every man ought to have his share; but he asked the Senator to be careful how they put power into the hands of the most irresponsible class of men in the world. He did not care how pure they were, he would like to see the justices of the peace on a level with other men, where they might be responsible to the public.

Mr. Bledsoe contended there was no analogy whatever between the revenue system of the U. S. and our own county revenue system. This was a matter of dollars and cents amongst ourselves, not a question of sovereign power. If the gentleman meant that the system which led to our usury laws was wrong, he (Mr. B.) agreed with him. But he had heard yet no reason why every man should not pay for the amount of protection he received. Mr. Steele said that Wake was a necessary exception to the general rule, and he proceeded to illustrate the inequalities of the system, and alluded to the county of Forsythe, as his attention had been drawn to it, in which \$1000 worth of land was taxed \$5, whilst \$1000 in money got off with \$2 40. Was that equal or just? He contended that every species of property should pay to our county expenses. This was a matter of dollars and cents amongst ourselves, not a question of sovereign power. 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